



# TULARE IRRIGATION DISTRICT

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January 24, 2011

Department of Water Resources  
Water Use Efficiency Branch  
SB x7-7 Branch  
P.O. Box 942836  
Sacramento, CA 94236-0001

Subject: Tulare Irrigation District Comments on DWR Agricultural Water Measurement Regulations

To Whom It May Concern:

The Tulare Irrigation District (District) greatly appreciates the opportunity to comment on the proposed Agricultural Water Measurement Regulations (Regulations) pursuant to SB x7-7 and now codified as law. The District has participated for the last several months in the ongoing discussions regarding these regulations within the A2 Subcommittee and the Agricultural Water Management Council. From our participation in these groups, it is our belief that DWR has been charged with implementing a program that requires agricultural water suppliers to measure the water delivered to water users and to charge for delivered water based at least in part on the amount delivered. Although the District measures individual turnouts and bills landowners on a volumetric basis we see some limitations and have concerns with the Regulations as proposed. Discussed below are some of the issues the District would like to address prior to the adoption of the Regulations.

From the first meetings that were held on the Regulations, many water suppliers who have participated, including the District have felt that the use of a numerical percentage level to comply with the "sufficient accuracy" clauses within SB x7-7 are not necessary and can be problematic. The focus on the selection of a numerical value has distracted the process from the intent of the legislation, which was in our view to measure water supplied and to bill based on a volumetric rate. It is our belief that the term "sufficient accuracy" can be the accuracy with which the landowner and the water supplier utilizing the volumetric reading are comfortable in using to justify volumetric pricing. If a water user feels that they are getting overcharged for water they can request a verification of the measurement device. Conversely, a water supplier can and will verify a measurement device if it seems to be undercharging for water delivered. In this way the sufficient accuracy level is regulated via natural pricing forces and should allow for the water supplier to remain within compliance of the intent of SB x7-7.

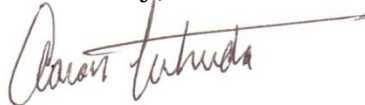
The District believes that the wide range of measurement procedures and techniques being practiced within the agricultural community thwarts DWR's ability to set a

numerical benchmark for accuracy. In order to gain a better picture and for reporting purposes DWR can require that water suppliers report a level of accuracy within their respective Water Management Plans (Plans). Accuracies can be reported and be certified by a laboratory or an engineer with a field test. In this regard it must be noted that DWR has yet to establish any criteria for either laboratory testing or field testing. Within the Plans water suppliers can report how they measure the water, bill for the water, and any future projects or programs to improve the system by which they measure and bill for water. By allowing the water supplier to assess and report measurement practices and the associated accuracies, DWR can accomplish the measurement and volumetric pricing goals of the legislation while also gaining knowledge and data that could support a numerical accuracy level in the future if such may be required.

Also, DWR should recognize the short time frame that is being given to districts and agencies to comply with the Regulations. If DWR does not provide any flexibility and sets the full compliance date as July 2012, there may be many agricultural regions that cannot accomplish compliance in such a short time frame. Many water suppliers will have to research measuring devices, billing schemes and software, acquire new staff to manage the measurement and billing systems, and may have to conduct a Proposition 218 election to raise the funds to comply with the Regulations. All of this can only happen once the Regulations are finalized and adopted. Therefore, it is not unrealistic to assume that many water suppliers will have less than a year to implement all of these items. Rather, the District proposes that DWR allow water suppliers to report to DWR in writing or via the Plans on the *progress made* towards implementation of the requirements of the Regulations by July 2012. This will allow water suppliers the time to put together a sound and viable measurement and billing system while staying in compliance with the Regulations.

Thank you again for the opportunity to comment on the Regulation prior to adoption. We look forward to further progress in the implementation of this significant piece of legislation as embodied in the proposed Regulations

Sincerely,

A handwritten signature in dark ink, appearing to read "Aaron Fukuda", with a long horizontal flourish extending to the right.

Aaron Fukuda  
District Engineer